

AB:KCB

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

CARMEN YOBANI CAPELLAN DE
MARTINEZ,

Defendant.

AFFIDAVIT IN SUPPORT OF
REMOVAL TO THE
DISTRICT OF NEBRASKA

(Fed. R. Crim. P. 5)

No. 20-MJ-158

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EASTERN DISTRICT OF NEW YORK, SS:

ARIEL KAUFMAN, being duly sworn, deposes and states that he is a Special Agent with the United States Department of State, Diplomatic Security Services (“DSS”), duly appointed according to law and acting as such.

On or about December 11, 2019, the United States District Court for the District of Nebraska issued an arrest warrant commanding the arrest of the defendant CARMEN YOBANI CAPELLAN DE MARTINEZ in connection with an indictment charging the defendant with false statements in the application of a passport, in violation of Title 18, United States Code, Section 1542.

The source of your deponent's information and the grounds for his belief are as follows:¹

1. On or about December 11, 2019, the United States District Court for the District of Nebraska issued an arrest warrant commanding the arrest of the defendant CARMEN YOBANI CAPELLAN DE MARTINEZ in connection with an indictment charging the defendant with making false statements in the application of a passport, in violation of Title 18, United States Code, Section 1542. True and correct copies of the arrest warrant and the indictment are attached as Exhibit A and Exhibit B, respectively.

2. On February 14, 2020, the defendant CARMEN YOBANI CAPELLAN DE MARTINEZ arrived at John F. Kennedy International Airport in Queens, New York, on Delta flight 312. Upon her arrival at the airport, the defendant was stopped for questioning by a U.S. Customs and Border Protection ("CBP") officer who identified the defendant based on the name and date of birth listed on a Dominican Republic passport the defendant presented to the CBP officer, which matched the name and date of birth of the individual who was wanted in the District of Nebraska. Specifically, the defendant presented a Dominican Republican passport to the CBP officer with the name "Carmen Robani Capellan De Martinez" and the defendant's date of birth. Further, the defendant presented a social security identification card with a social security number matching the social security number of the individual wanted in the District of Nebraska.

¹ Because the purpose of this affidavit is to set forth only those facts necessary to establish probable cause for removal, I have not described all the relevant facts and circumstances of which I am aware.

3. A CBP officer directed the defendant CARMEN YOBANI CAPELLAN DE MARTINEZ to the secondary screening area where the defendant was interviewed by law enforcement officers. During that interview, the defendant identified herself as "Carmen Yobani Capellan De Martinez" and provided the date of birth that is listed on the defendant's passport, as well as the social security number listed on the defendant's social security identification card, which match the date of birth and social security number of the individual wanted in the District of Nebraska.

4. Further, I have reviewed a photograph of the CARMEN YOBANI CAPELLAN DE MARTINEZ wanted in the District of Nebraska. Based on that photograph and my observations of the defendant during her arrest and booking, I believe that the defendant is the CARMEN YOBANI CAPELLAN DE MARTINEZ wanted in the District of Nebraska.

5. Based on the foregoing, I believe that the defendant is the CARMEN YOBANI CAPELLAN DE MARTINEZ wanted in the District of Nebraska.

WHEREFORE, your deponent respectfully requests that the defendant CARMEN YOBANI CAPELLAN DE MARTINEZ be removed to the District of Nebraska so that she may be dealt with according to law.



ARIEL KAUFMAN
Special Agent
U.S. Department of State
Diplomatic Security Services

Sworn to before me this
14th day of February, 2020

THE HONORABLE LOIS BLOOM
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

EXHIBIT A

SEALED

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Nebraska

United States of America

v.

Case No. 8:19CR 396

CARMEN YOBANI CAPELLAN DE MARTINEZ

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*Defendant***ARREST WARRANT**

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
 (name of person to be arrested) CARMEN YOBANI CAPELLAN DE MARTINEZ,
 who is accused of an offense or violation based on the following document filed with the court:

Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

18:1542-False Statement in Application and Use of Passport

Date: 12/11/19*Issuing officer's signature*City and state: Omaha, NebraskaDenise M. Lucks, Clerk of the U.S. District Court*Printed name and title***Return**

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

*Arresting officer's signature**Printed name and title*

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: CARMEN YOBANI CAPELLAN DE MARTINEZ

Known aliases: _____

Last known residence: 16488 Grant St., Omaha, NE 68116

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: '1955

Social Security number: -3046

Height: 5'6" Weight: 134

Sex: F Race: H

Hair: Brown Eyes: Brown

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (name, relation, address, phone number): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: DSS

Name and telephone numbers (office and cell) of pretrial services or probation officer (if applicable): _____

Date of last contact with pretrial services or probation officer (if applicable): _____

EXHIBIT B

SEALED FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

2019 DEC 10 PM 5:

UNITED STATES OF AMERICA,

OFFICE OF THE CLERK

Plaintiff,

8:19CR 396

vs.

INDICTMENT
18 U.S.C. § 1542

CARMEN YOBANI CAPELLAN DE-
MARTINEZ,

Defendant.

The Grand Jury charges that

COUNT I

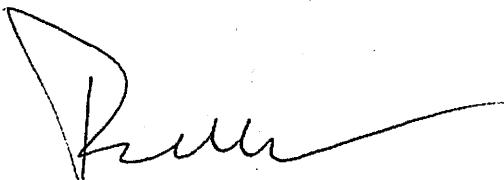
On or about May 17, 2012, in the District of Nebraska, the defendant, CARMEN YOBANI CAPELLAN DE-MARTINEZ, willfully and knowingly made a false statement in a renewal application for a passport with intent to induce and secure for her own use the issuance of a passport under the authority of the United States, contrary to the laws regulating the issuance of such passports and the rules prescribed pursuant to such laws, in that in such application the defendant stated Social Security account number ending in XXX-XX-0611 was in fact hers, and that her date of birth was August 29, 1957, which statements she knew to be false.

In violation of Title 18, United States Code, Section 1542.

A TRUE BILL.

FOREPERSON

The United States of America requests that trial of this case be held in Omaha, Nebraska,
pursuant to the rules of this Court.



By: RUSSELL X. MAYER, NY #1726124
Assistant U.S. Attorney